



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 8303-01
4 January 2002

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: CWO3 [REDACTED], USMC [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 8 Nov 01 w/attachments
(2) HQMC MMOA-4 memo dtd 7 Dec 01
(3) Memo for record dtd 11 Dec 01
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of Chief Warrant Officer 3 (CWO3) he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 2001 CWO3 Selection Board, vice the FY 2002 CWO3 Selection Board.

2. The Board, consisting of Messrs. Kastner and Rothlein and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 3 January 2002, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In Petitioner's prior case, docket number 1941-01 (copy of Report of Proceedings at Tab A to enclosure (1)), the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board removed a fitness report, and this Board removed his failure by the FY 2001 CWO3 Selection Board. He was considered by the FY 2002 CWO3 Selection Board as an in-zone officer with a corrected fitness report record, and he was selected for promotion. He was promoted to CWO3 with a 1 January 2002 date of rank and effective date.

c. In correspondence attached as enclosure (2), the HQMC Officer Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division, the office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. The memorandum for the record at enclosure (3) reflects that the HQMC Promotion Branch has advised that had Petitioner been promoted pursuant to selection by the FY 2001 CWO3 Selection Board, he would have been assigned a date of rank and effective date of 1 December 2000.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of CWO3 as 1 December 2000, vice 1 January 2002; and that his lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

Jonathan S. Ruskin
JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director

4303-01



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1600
MMAA-4
07 Dec 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Subj: BCNR PETITION FOR CHIEF WARRANT OFFICER [REDACTED]
[REDACTED] SMC

Ref: (a) MMR Request for Advisory Opinion in the case
of [REDACTED]
[REDACTED] JSMC of 28 Nov 2001

1. Recommend approval of [REDACTED] request for backdating
his date of rank.

2. Per reference (a), we reviewed C [REDACTED] record and
petition. CWO [REDACTED] failed selection on the FY01 USMC Chief
Warrant Officer 3 Selection Board. He successfully petitioned
the Board for Correction of Navy Records to have the Change of
Duty fitness report of 960711 to 970331 removed from his
record. [REDACTED] was subsequently selected for promotion
from the In-Zone on the FY02 Chief Warrant Officer 3 Selection
board.

3. As evidenced by his selection to CWO3 on the FY02
selection board, the adverse material contained in the report
did, in fact, impact his selection to CWO3 on the previous
board. Therefore, we recommend approval of [REDACTED]
request for backdating his date of rank.

4. Point of Contact [REDACTED]

[REDACTED]

Major, U.S. Marine Corps
Head, Officer Counseling and
Evaluation Section
Officer Assignment Branch
Personnel Management Division

MEMORANDUM FOR THE RECORD
DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION
2 NAVY ANNEX, SUITE 2432
WASHINGTON, DC 20370-5100
TELEPHONE: (703) 614-2293 OR DSN 224-2293

DATE: 11DEC01

DOCKET NO [REDACTED]

PETITIONER (PET) [REDACTED], USMC

PARTY CALLED: [REDACTED]

WHAT I SAID: I ASKED [REDACTED] FOR AND EFF DATE PET CURRENTLY HAS AS A CWO-3, AND [REDACTED] IT WOULD BE HAD HE BEEN SEL BY THE FY-01 USMC CWO-3 SEL BD.

WHAT PARTY SAID [REDACTED] THAT HIS CURRENT PROJ DOR AND EFF DATE IS 1JAN02, AND HIS BDOR IS 1DEC00.

[REDACTED]